



Ad Standards Community Panel
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AdStandards.com.au

Ad Standards Limited
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Case Report

1. Case Number :	0171-20
2. Advertiser :	Crowies Paints
3. Product :	Hardware/Machinery
4. Type of Advertisement/Media :	TV - Free to Air
5. Date of Determination	10-Jun-2020
6. DETERMINATION :	Dismissed

ISSUES RAISED

AANA Environmental Code\1 Truthful and Factual
AANA Environmental Code\2 Genuine Environmental Benefit
AANA Environmental Code\3 Substantiation

DESCRIPTION OF ADVERTISEMENT

This television advertisement has two versions. One depicts a drawing of a house and leaves, and the other depicts a drawing of a baby and leaves. Both feature the voiceover: "Did you know there's a paint that absorbs CO2 as it dries? Painting with Ecosphere is like transforming your home into a tree. Now that's a breath of fresh air! Better get to Crowies! Because at Crowies we know paint".

THE COMPLAINT

A sample of comments which the complainant/s made regarding this advertisement included the following:

The advertisement claims that using their paint is "like turning your house into a tree". I object to this company projecting an over simplified view of the benefit's that their paint can provide. I have looked up this paint and the makers claim that it does have some ability to absorb CO2 gas. This may be true, but to claim that the environment can benefit from its use is a falsehood. Manufacture and use of a chemical synthetic product such as paint cannot directly benefit the natural environment . It might be OK to say that the paint is environmentally benign and will assist in reducing CO2 levels, or something similar. But to say it turns your house into a tree is just plain rubbish and



they should be made to withdraw that advertisement from television and revise their advertising strategy to reflect a more realistic claim. They should not be able to treat the viewers as idiots who will believe anything that is thrown at them. Attached is screen dump from the manufacturers website discussing the paints ability to absorb CO2.

THE ADVERTISER'S RESPONSE

Comments which the advertiser made in response to the complainant/s regarding this advertisement include the following:

Details follow of the manufacturer's claims regarding the impact on CO2 of the paint advertised by Crowies.

Nutech Paint Pty Ltd manufactures and distributes Graphenstone products in Australia/New Zealand under licence to Graphenstone Spain.

Our customer, Crowies Paints have received a complaint regarding an advertisement relating to one of the Graphenstone products.

We have provided the following comments and the attached information and links in relation to this complaint:

Statement regarding Graphenstone Ecosphere

The individual complainant has made claims that they have researched the Graphenstone Ecosphere product and identified that the product is a synthetic paint and cannot directly benefit the natural environment. These statements could not be further from the truth.

Graphene is extracted from graphite, an allotrope of carbon, a naturally occurring material. Graphenstone clearly state that graphene is used to remove the reliance on synthetic polymers, such as acrylics, typically found in "traditional" paint systems. The use of high purity lime in Ecosphere is the key to how this product absorbs CO2. This is how Graphenstone differs, highlighting the environmental stand-point of the advertised Graphenstone product.

Graphenstone products are one of the most environmentally efficacious products in the global coatings industry and why they have now obtained Global GreenTag Health – (Platinum Certification GRA_Mineral-Paints-and-Primers_PHD_v4.pdf) as well as Cradle to Cradle Gold (C2C-GOLD_Paints-Coatings.pdf) for Ecosphere.

Product Health Declaration (PHD) (Document 1) and Environmental Product Declaration (EPD) (Document 2) documents have been included for reference and the Graphenstone product also has GBCA, WELL and LEED certification for green construction principals. All of the Global certifications are outlined in this link <http://www.graphenstone.com.au/graphenstone-australia-certifications.html>



“My Home is a Tree, My Building is a Garden and My Town is a Forest” is a Global Graphenstone initiative with a goal of achieving the same effect as 1 million trees. www.myhomeisatree.com

The Crowies Paints advertisement is simply linking to the global campaign.

The Graphenstone claims have been made based on both stoichiometric calculation of the reaction of lime with the CO₂ and later, substantiated through independent chamber testing based loosely on the chamber testing criteria for ISO16000 assessment for absorbing and converting formaldehyde in coatings. In fact, a 27% absorption rate of the atmospheric CO₂ was also noted from this chamber method. There was a separate study also performed to correlate this, looking at how much CO₂ a physical tree could absorb as a comparison. It was discovered that 45 Litres of Ecosphere Pure White will absorb over 14kg of CO₂ during the drying or “carbonation” process, correlating to the same amount of CO₂ absorbed by a 250kg mature tree over a 12 month period.

We do indeed stand by the claim that Graphenstone Ecosphere will turn your house into a tree by absorbing CO₂. In fact most houses would require more than 45lts of paint and therefore could absorb more CO₂ than a mature tree could in a year. Therefore the benefit to the environment is substantial and should in fact be promoted to the public.

Graphenstone certainly do not presume the general public or construction sector are ill informed. This is why there has been heavy investment in the most appropriate globally recognised certifications in order to substantiate the environmental performance of the Graphenstone products.

THE DETERMINATION

The Ad Standards Community Panel (the Panel) considered whether this advertisement breaches the AANA Environmental Claims in Advertising and Marketing Code (the Environmental Code).

The Panel noted the complainant’s concerns that the advertisement is misleading as it:

- Presents an over simplified view of the benefits of the product
- Claims that the environment can benefit from its use

The Panel viewed the advertisement and noted the advertiser’s response.

The Panel considered whether the advertisement made an Environmental Claim. The Environment Code applies to 'Environmental Claims' in advertising and marketing communications. An 'Environmental Claim' is defined as 'any representation that indicates or suggests an Environmental Aspect of a product or service, a component or packaging of, or a quality relating to, a product or service.'



An 'Environmental Aspect' means 'the element of a product, a component or packaging or service that interacts with or influences (or has the capacity to interact with or influence) the Environment.'

The Environment is given a broad definition in the Code but, according to the dictionary definition means 'the broad natural surrounding conditions, such as the bush, the rivers, the air, the sea in which human beings live.'

The Panel considered section 1a of the Code which requires that 'Environmental Claims in Advertising or Marketing Communications...Shall not be misleading or deceptive or be likely to mislead or deceive.'

The Panel considered the statement "Did you know there's a paint that absorbs CO₂ as it dries? Painting with Ecosphere is like transforming your home into a tree". The Panel considered that this statement is a claim in that it highlights an environmental aspect of a service in that the product is identified to absorb CO₂ as it dries.

The Panel noted that the Practice Note to the Environment Code states that "it is not intended that legal tests be applied to determine whether advertisements are misleading or deceptive, or likely to mislead or deceive, in the areas of concern to this Code, Instead consideration will be given as to whether the average consumer in the target market will be likely to be misled or deceived by the material."

The Panel noted that the advertisement was broadcast on free-to-air television and was therefore targeted to a broad audience.

Taking into consideration the information provided by the advertiser and the general consumer audience, the Panel considered that the overall impression to a consumer is that the paint product performs the same function as a tree in that it absorbs CO₂, while the paint is drying. The Panel considered that most members of the community would understand that this was not a claim that the paint would continue to absorb CO₂ once it had dried or the paint would perform a similar function to a tree indefinitely.

The Panel noted the advertiser's response that 45 litres of the paint product will absorb over 14kg of CO₂ during the drying process, which is the equivalent of a 250kg mature tree over a 12 month period. The Panel viewed the supporting documentation provided by the advertiser, and considered that while it did contain technical reports, the Panel was satisfied that the claim was not misleading about the identified benefit of the paint as it dries. The Panel noted that the claim referred only to the absorption of CO₂, and not to any other properties of a tree.

The Panel noted the complainant's concern that the advertisement claims that the environment can benefit from use of the product, however the Panel considered that the advertisement does not make a broad claim about broad environmental benefits from the use of the paint, only the claim that the paint absorbs CO₂ in a manner similar to a tree as the paint is drying.



The Panel considered that the environmental claim made in the advertisement was not misleading or deceptive, or likely to mislead or deceive. The Panel determined the advertisement did not breach Section 1 of the Environmental Code.

The Panel then considered section 2 (a) and (b) of the Environmental Code which provides that: 'Environmental Claims must (a) be relevant, specific and clearly explain the significance of the claim; (b) not overstate the claim expressly or by implication.

The Panel noted the complainant's concern that the advertisement presents an over simplified view of the benefits of the product.

The Panel noted the intention of the advertisement is to provide information regarding the CO2 absorption capabilities of the product in a simplistic manner that is accurate and understandable.

The Panel considered the claim is relevant to the product and is specific in the description of the claim made. The Panel considered that the scientific process of how the paint product could absorb CO2 could not be reasonably expected to be explained in a 15 second advertisement.

Overall the Panel considered that in the context of a paint product that absorbs CO2 as it dries, the claim made in the advertisement is relevant and specific and explains the significance of the claim in a manner reasonable for a 15 second advertisement. The Panel noted the evidence provided by the advertiser and considered that the advertisement does not overstate the claim.

The Panel again noted that the complainant's concern that the advertisement claims that the environment can benefit from use of the product is not able to be considered as that claim is not made in the advertisement.

The Panel determined that the advertisement did not breach section 2 of the Environmental Code.

The Panel noted section 3 of the Environmental Code which states that "Environmental Claims in Advertising or marketing Communication shall be able to be substantiated and verifiable. Supporting documentation shall include sufficient detail to allow evaluation of a claim."

The Panel considered that the advertiser provided sufficient documentation to the Panel to substantiate the claims made in the advertisement.

The Panel determined that the advertisement did not breach Section 3 of the Environmental Code.

Finding that the advertisement did not breach the Environmental Code the Panel dismissed the complaint.